

ENTERED

February 08, 2018

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

DERWIN JEROME BLACKSHEAR,

Defendant.

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CRIMINAL ACTION NO. H-15-80-4

REPORT AND RECOMMENDATION

On February 8, Defendant Derwin Jerome Blackshear appeared with counsel for re-arraignment before the undersigned magistrate judge, the matter having been referred by the District court pursuant to 28 U.S.C. §636(b). Defendant appeared for the purpose of entering a guilty plea to Counts 1 and 2 of the Superceding Criminal Information charging him with conspiracy in violation of 18 U.S.C. § 1349; and assisting in the filing of a false tax return in violation of 16 U.S.C. § 7206(2).

Defendant Derwin Jerome Blackshear consented in writing to plead guilty before a United States Magistrate Judge. After a conducting a hearing as prescribed by Rule 11 of the Federal Rules of Criminal Procedure, this court makes the following findings of fact:

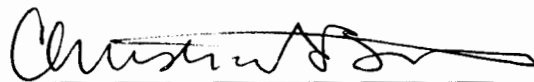
1. Defendant Derwin Jerome Blackshear, after consultation with counsel of record and with the approval of the government, has knowingly and voluntarily consented to be advised of his rights and to enter a plea of guilty before a U.S. Magistrate Judge subject to final approval and imposition of sentence by Chief United States District Judge Lee H. Rosenthal.
2. Defendant Derwin Jerome Blackshear is fully competent and capable of entering an informed plea.
3. Defendant Derwin Jerome Blackshear is aware of the nature of the charges, the maximum punishment range and other penalties that may be imposed at sentencing.

4. Defendant Derwin Jerome Blackshear understands his constitutional and statutory rights and wishes to waive those rights.
5. Defendant Derwin Jerome Blackshear understands that the sentencing judge is not bound by any recommendation on sentencing made by either counsel for the government or counsel for the defendant, and that if a recommendation on sentencing is not followed by the sentencing judge, he may not withdraw his plea of guilty.
6. Defendant Derwin Jerome Blackshear's plea of guilty is a knowing and voluntary plea supported by an independent basis in fact containing each of the essential elements of the offense charged in Count 1 and 2 of the Superseding Criminal Information.

Based upon the foregoing, it is **RECOMMENDED** that the guilty plea of Defendant Derwin Jerome Blackshear to Count 1 and 2 of the Superseding Criminal Information be accepted by the court and that Derwin Jerome Blackshear be adjudged guilty of the offense alleged in Count 1 and 2 of the Superseding Criminal Information, to wit: conspiracy in violation of 18 U.S.C. § 1349; and assisting in the filing of a false tax return in violation of 16 U.S.C. § 7206(2). The Clerk shall send copies of this Report and Recommendation to the respective parties who have fourteen (14) days from receipt to file written objections to this Report and Recommendation pursuant to General Order 2002-13. A party's failure to file written objections shall bar that party from attacking on appeal the factual findings and legal conclusions contained in the Report and Recommendation.

The original of any written objections shall be filed with the United States District Clerk, P.O. Box 61010, Houston, Texas, 77208. Copies of objections shall be mailed to opposing parties and to the chambers of the undersigned, 515 Rusk, Suite 8608, Houston, Texas 77002.

SIGNED at Houston, Texas, this 8th day of February, 2018.



Christina A. Bryan
United States Magistrate Judge